

# SENATE BILL REPORT

## SSB 5538

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As Passed Senate, February 28, 2011

**Title:** An act relating to members of certain nonprofit conservation corps programs.

**Brief Description:** Concerning members of certain nonprofit conservation corps programs.

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senator White).

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/03/11, 2/14/11 [DPS].  
Passed Senate: 2/28/11, 48-0.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** That Substitute Senate Bill No. 5538 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

**Staff:** Mac Nicholson (786-7445)

**Background:** The National and Community Service Trust Act (Act) was enacted in 1993 and established the Corporation for National and Community Service. The Act launched AmeriCorps, a network of programs that promote national service in education, public safety, health, and the environment. Language in the Act specifies living allowances and other benefits provided to participants, and the United States Department of Labor has determined that AmeriCorps participants are exempt from federal Davis-Bacon Act labor standards, which establishes a prevailing wage for government public projects.

The Legislature created the Washington Conservation Corps (WCC) in 1983 to provide work experience and skills to the youth of the state between the ages of 18 and 25. WCC projects support conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources. WCC members are paid minimum wage.

The Washington Service Corps (WSC) was created by the Washington State Legislature in 1983 to give young adults opportunities to serve their communities. When the national

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AmeriCorps program began in 1994, the WSC became part of the national service movement and now all WSC members are also AmeriCorps members. The WSC works with nonprofit organizations and local governments to address a variety of unmet and pressing community needs. The WSC is administered by the Washington State Employment Security Department with federal funding provided by the Corporation for National and Community Service.

**Summary of Substitute Bill:** Participants in a conservation corps program offered by a nonprofit organization are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work. The nonprofit must be affiliated with a national service organization established under the National and Community Service Trust Act, registered with the Secretary of State, and have its management and administrative headquarters located in state.

Participants in the program must spend at least 15 percent of their time on education and training activities and receive a stipend or living allowance as authorized by federal or state law.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This exemption is narrow and specific for nonprofits that have an education component that perform a public service. Under current regulations, when EarthCorps or similar nonprofits have WCC members or WSC members in the organization, the individuals are exempt from certain regulations relating to wages and benefits. However, if the individual in the EarthCorps program is a Washington State Corporation for National and Community Service AmeriCorps member, the individual is not exempt from the same wage and benefit requirements. The goal is to not have the source of the AmeriCorps slot impact the ability of young people to take part in training and perform important environmental and trail maintenance work.

OTHER: Construction or restoration language in previous versions of the bill has been removed addressing prevailing wage concerns. The language is limited to trail maintenance, and that work isn't currently being contracted out. The bill amends the WSC statute, and this isn't the correct place for the language.

**Persons Testifying:** PRO: Steve Dubiel, EarthCorps.

OTHER: Dave Johnson, Washington State Building Trades; Lynn Maier, Employment Security Department.